



United States Government

NATIONAL LABOR RELATIONS BOARD
Region 10
233 Peachtree Street, NE
Harris Tower, Suite 1000
Atlanta, Georgia 30303-1531
Telephone: (404) 331-2896
Fax: (404) 331-2858

March 8, 2005

Phillip Oliver
332 Brace Avenue
Elyria, OH 44035

Re: United Steelworkers of America Local 1104
(Republic Engineered Products)
Case 10-CB-8236

Dear Mr. Oliver:

The Region has carefully investigated and considered your charge against United Steelworkers of America Local 1104 alleging violations under Section 8 of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing for the following reasons:

The charge alleges that the Union failed in its duty of fair representation by refusing to process grievances on your behalf. The investigation disclosed that in July 2003 the Employer removed you from your group leader position, but you did not consult the Union about filing a grievance over the matter until August 2004. While the Union filed a grievance on your behalf it later withdrew the grievance on the basis that the dispute was untimely. Further, you allege that on two other occasions the Union failed to file and process grievances on your behalf. However, the investigation did not uncover any evidence that the Union's refusal to file and process these grievances was based upon any improper or discriminatory considerations. Rather, it appears from the evidence that the Union did not process grievances on your behalf, because, based upon its inquiry into the facts, it concluded your complaints lacked merit. I am, therefore, refusing to issue complaint in this matter.

Your Right to Appeal: The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the General Counsel of the National Labor Relations Board. If you wish to file an appeal, your attention is directed to the following:

Dismissal Letter
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Appeal Due Date: The appeal must be received by the General Counsel in Washington, D.C. by the close of business at 5:00 p.m. EST on March 22, 2005. However, if you mail the appeal, it will be considered timely if it is postmarked no later than one day before the due date. The appeal MAY NOT be filed by facsimile transmission.

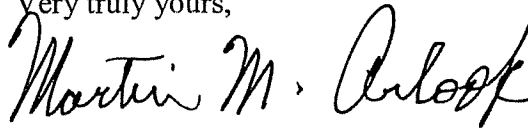
Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. You may file a request for an extension of time by mail, by facsimile transmission or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. Any request for an extension of time must be received no later than the appeal due date indicated above. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

Appeal Contents: You are encouraged to submit a complete statement setting forth the facts and reasons why you believe the decision to dismiss your charge was incorrect. However, the enclosed Appeal Form (NLRB-4767) by itself will be treated as an appeal if timely filed upon the General Counsel and me.

Address for Appeal: The appeal should be sent to the General Counsel of the National Labor Relations Board, Office of Appeals, 1099 14th Street, N.W., Washington, D.C. 20570. You should send a copy of the appeal to me.

Notice to Other Parties of Appeal "You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter."

Very truly yours,

A handwritten signature in black ink that reads "Martin M. Arlook". The signature is written in a cursive, flowing style.

Martin M. Arlook
Regional Director

Attachments

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Case 10-CB-8236
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cc: Office of the General Counsel
National Labor Relations Board
Washington, D.C. 20570

Dash Sokol
United Steelworkers of America Local 1104
2501 Broadway
Lorain, OH 44052

Pat Gallagher, Staff Representative
United Steelworkers of America
25111 Miles Road, Suite H
Warrensville Heights, OH 44128

Deana Jerald, Human Resources
Republic Engineered Products
1807 E. 28th Street
Lorain, OH 44052

FORM NLRB-4767
(7-03)

UNITED STATE OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
Room 8820, 1099 14th Street, N.W.
Washington, D.C. 20570

Date: / /

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the actions of the Regional Director in refusing to issue complaint on the charge in

United Steelworkers of America Local 1104 (Republic Engineered Products)
Case Name(s).

10-CB-8236-1
Case No(s). (If more than once case number, include all case numbers in which appeal is taken.)

(Signature)